

FILED & ENTERED

NOV 05 2019

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

NANA BAIDOOBONSO-I AM,

Debtor.

Case No. 2:19-bk-19624-RK

Chapter 11

**ORDER DENYING MOTION TO CHANGE
CHAPTER 7 BANKRUPTCY TRUSTEE
WITHOUT PREJUDICE FOR LACK OF
PROPER NOTICE**

Pending before this court is the Verified Motion of Debtor Nana Baidoobonso-I AM's for Order Changing Chapter 7 Bankruptcy Trustee ("Motion") (Docket No. 25), filed on October 9, 2019. Having considered the Motion, the court denies the Motion on procedural grounds because it does not comply with the court's Local Bankruptcy Rules as Debtor failed to give proper notice of the motion and set the motion for hearing before the court.

Local Bankruptcy Rule 9013-1(a)(5)(A) generally requires that hearings and notice are required for all motions. There was no written notice of motion for this Motion, as required by Local Bankruptcy Rule 9013-1(c)(2) that gave notice of a hearing date, time and place. Although the Motion states a hearing time of 10:00 a.m. and a hearing place of "CTRM 1675" in the case caption on page one, there is no hearing date

1 stated anywhere in the Motion, and there is no written notice of motion for the Motion
2 Having considered the Motion, the court determines that pursuant to Local Bankruptcy
3 Rule 9013-1(j)(3), oral argument on the Motion is not necessary, dispenses with it, takes
4 the Motion under submission, and rules as follows.

5 Local Bankruptcy Rule 9013-1(c)(2) states:

6 Every motion must be accompanied by written notice of motion specifying
7 briefly the relief requested in the motion and, if applicable, the date, time,
8 and place of hearing. Except as set forth in LBR 7056-1 with regard to
9 motions for summary judgment or partial summary adjudication, or as
10 otherwise ordered, the notice of motion must advise the opposing party
11 that LBR 9013-1(f) requires a written response to be filed and served at
12 least 14 days before the hearing. If the motion is being heard on
13 shortened notice pursuant to LBR 9076-1, the notice must specify the
14 deadline for responses set by the court in the order approving the
15 shortened notice.

16 There is a mandatory court form for a Notice of Motion, which is Form 9013-
17 1.1.HEARING.NOTICE, which is available for viewing on the court's website. This form
18 was not used.

19 There is no notice of motion which advises the opposing parties that Local
20 Bankruptcy Rule 9013-1(f) requires a written response to be filed and served at least 14
21 days before a hearing as required by Local Bankruptcy Rule 9013-1(c)(2). Even though
22 Debtor is a self-represented party, the court declines to excuse Debtor from compliance
23 with the Local Bankruptcy Rules. Just because Debtor is a self-represented party does
24 not excuse him from compliance with the court's rules as stated in Local Bankruptcy
25 Rule 1001-1(c).

26 In addition, the court notes that a proof of service was attached to the Motion, but
27 Debtor did not use the mandatory court form which is Form 9013-
28 3.1.PROOF.SERVICE, which should be used.

///

///

1 The Motion is DENIED WITHOUT PREJUDICE. This means that Debtor may
2 refile the Motion if he gives proper notice by filing and serving a notice of motion as
3 required by Local Bankruptcy Rule 9013-1(c)(2).

4 IT IS SO ORDERED.

5 ###
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 Date: November 5, 2019



Robert Kwan
United States Bankruptcy Judge